



DAC
Patent
246/221
#5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Applicant: HAHN, Gary S. et al

Serial No.: 09/400,757

Filed: September 21, 1999

For: FORMULATIONS AND METHODS
FOR REDUCING SKIN IRRITATION

)
) **Group Art Unit:** 1615
)
) **Examiner:** Not yet assigned
)
)
)
)
)
)
)

RECEIVED
AUG 30 2000

OFFICE OF PETITIONS

PETITION TO REVIVE UNINTENTIONALLY ABANDONED
APPLICATION (37 CFR § 1.137(b))

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Pursuant to the provisions of 37 CFR § 1.137(b), applicants respectfully petition for the revival of the above-captioned application. The application was unintentionally abandoned for failure to respond to the Notice to File Missing Parts mailed October 18, 1999.

A response to the Notice to File Missing Parts was initially mailed to the Office on April 18, 2000. This "Transmittal of Missing Parts" (copy attached hereto) included copies of the required inventor declarations, a request for extension of time (four months), and an authorization to the Commissioner to charge both the application filing fee and the extension-of-time fee to the deposit account of the undersigned attorney. A Notice of Incomplete Reply was

LA-159022.1

CERTIFICATE OF MAILING
(37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

August 22, 2000
Date of Deposit

Rowena R. Estrada
Name of Person Mailing Paper

Signature of Person Mailing Paper

08/30/2000 CVD111 00000094 09400757 1210.00 0P 814.00 0P 01 FC:141 02 FC:199

mailed by the Office on May 1, 2000, but this was believed by the undersigned to have been issued in error inasmuch as the required declarations and fees were understood to have been properly submitted with the April 18, 2000 Transmittal of Missing Parts. Upon investigation, however, it was determined that the required fees had not been properly submitted because the deposit account of the undersigned had insufficient funds at the time of the submission of the missing parts.

Accordingly, by way of reply to the Notice of Missing Parts, applicants submit herewith a check in the amount of \$814.00 in payment of the required application fee (as called for in the Notice of Incomplete Reply). Additionally, and although these were earlier submitted with the Transmittal of Missing Parts mailed April 18, 2000, additional copies of the inventor declarations are included herewith.

Pursuant to 37 CFR § 1.137(b)(3), the undersigned attorney of record hereby states that the entire delay in filing the required reply from the due date for the reply until the filing of this petition was unintentional.

Also enclosed herewith is a check in the amount of \$1210.00 in payment of the petition fee under 37 CFR § 1.17(m). In the event any additional fees are owing in connection with the present petition or its accompanying papers, including any fees for extension of time (which extension is requested as necessary), the Commissioner is authorized to charge them (or credit any overpayment) to the deposit account of the undersigned, which is:

Deposit Account No. 12-2475

A duplicate copy of this paper is enclosed for accounting purposes.

Inasmuch as the filing date of this application is September 21, 1999 (i.e., after June 8, 1995), no terminal disclaimer is believed to be necessary in connection with the present petition.

Favorable consideration of the present petition is respectfully requested.

Respectfully submitted,

LYON & LYON LLP

Dated: 8/22/00

By: Paul H. Meier
Paul H. Meier
Reg. No. 32,274

633 West Fifth Street, Suite 4700
Los Angeles, California 90071-2066
(213) 489-1600